

STATE OF NORTH CAROLINA

In The General Court Of Justice
District/Superior Court Division

Iredell

County

SEARCH WARRANT

IN THE MATTER OF

Information and files given to NCMEC by Google in
CyberTip# 74146734.

Name Of Applicant

Detective Lawing

Name Of Additional Affiant(s)

RETURN OF SERVICE

I certify that this Search Warrant was received and
executed as follows:

| | | |
|---------------|---------------|---|
| Date Received | Time Received | <input type="checkbox"/> AM <input type="checkbox"/> PM |
| Date Executed | Time Executed | <input type="checkbox"/> AM <input type="checkbox"/> PM |

I made a search of _____

_____ as commanded.

I seized the items listed on the attached
inventory.

I did not seize any items.

This Warrant WAS NOT executed within
forty-eight (48) hours of the date and time of
issuance and I hereby return it not executed.

Name Of Officer Making Return (type or print)

Signature Of Officer Making Return

Department Or Agency Of Officer

Incident Number

Date

Time

☐ AM ☐ PM

Name Of Clerk (type or print)

Signature Of Clerk

☐ Dep. CSC
☐ Asst. CSC
☐ CSC

This Search Warrant was returned to the undersigned clerk on the date and time shown below.

Signature Of Magistrate

Name Of Magistrate (type or print)

☐ AM ☐ PM

Date

Name Of Officer Making Return (type or print)

USA_00000166

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:
I, the undersigned, find that there is probable cause to believe that the property and person described in the
application on the reverse side and related to the commission of a crime is located as described in the
application.You are commanded to search the premises, vehicle, person and other place or item described in the
application for the property and person in question. If the property and/or person are found, make the
seizure and keep the property subject to Court Order and process the person according to law.You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this
Warrant and make due return to the Clerk of the Issuing Court.

This Search Warrant is issued upon information furnished under oath or affirmation by the person(s) shown.

Date Issued

Time Issued

☐ AM ☒ PM

Name (type or print)

District Ct. Judge

Signature

Julia Gullett
Julia Gullett
Superior Ct. Judge**NOTE:** When issuing a search warrant, the issuing official must retain a copy of the warrant and warrant application
and must promptly file them with the clerk. G.S. 15A-245(b).This Search Warrant was delivered to me on the date and at the time shown below when the Office of the
Clerk of Superior Court is closed for the transaction of business. By signing below, I certify that I will deliver
this Search Warrant to the Office of the Clerk of Superior Court as soon as possible on the Clerk's next
business day.

Original - File Copy - For Search of a Person, to Person from Whom Items Taken

Copy - For Search of Vehicle/Premises, to Owner or Person in Apparent Control; if No Such Person Present, Leave Copy Affixed Thereon

(Over)

APPLICATION FOR SEARCH WARRANT

1. Detective Garron Lawing, Mooresville Police Department

(Insert name and address of law enforcement officer, name, rank and agency)

being duly sworn, request that the Court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that *(Describe property to be seized; or if search warrant is to be used for searching a place to serve an arrest warrant or other process, name person to be arrested)*

See attached.

constitutes evidence of a crime and the identity of a person participating in a crime. (Name crime) Death by Distribution (NCGS-14-18)

and is located (Check appropriate box(es) and fill in specified information)

☒ in the following premises (Give address and, if useful, describe premises)
See attached.

on the following person(s) (Give name(s) and, if useful, describe person(s))

☐ in the following vehicle(s) (Describe vehicle(s))

(and)

☐ (Name and/or describe other places or items to be searched, if applicable)

The applicant swears or affirms to the following facts to establish probable cause for the issuance of a search warrant:
See attached.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Name Of Applicant (type or print)

Detective G. Lawing

Signature Of Applicant

☒ Magistrate ☐ Dep. CSC ☐ Asst. CSC ☐ Clerk Of Superior Court ☒ Judge

☐ In addition to the affidavit included above, this application is supported by additional affidavits, attached, made by _____

☐ In addition to the affidavit included above, this application is supported by sworn testimony, given by _____

This testimony has been (check appropriate box) ☐ reduced to writing
☐ recorded, and I have filed any such writing/recording with the clerk.

NOTE: If more space is needed for any section, continue the statement on an attached sheet of paper with a notation saying "see attachment." Date the continuation and include on it the signatures of applicant and issuing official.

Continuation page attached to the SEARCH WARRANT application, dated Monday, December 14, 2020

CONTINUATION OF "PROPERTY / EVIDENCE TO BE SEIZED"

ATTACHMENT #1

Information to be seized:

- Files listed below and all contents provided by NCMEC for Cybertip # 74146734.

File Google-CT-RPT-d5935890081177a14ccf24ac61b5c35f-Copy of 756a3a3b-57cc-484e-9491-a41d2d59b8f2.mp4

File: Google-CT-RPT-0ebd0ab9917f54edd3d7e6844f0cb3b3-Copy of 2015-12-13 11.56.59.mp4

File: Google-CT-RPT-19b8b0012c437e547297e5a83a1dd8df-3f362010-ca94-442d-a604-c897b337bec6.mp4

File- Google-CT-RPT-5dc8f60b1e5bad3d0f9c01e73a3766da-Copy of 3f362010-ca94-442d-a604-c897b337bec6.mp4

File- Google-CT-RPT-99094d2846acf8b883fc2338763134be-33a1d3fa-8339-4bf8-b95c-8746beaa2faf.mp4

File- Google-CT-RPT-a0a09bc3e539a3c7c32ef698ebe4b76c-355010d3-c9e1-4f36-b543-6d93cdf539c.mp4

File- Google-CT-RPT-efa41fdb7c5d8cc267d3eed7db61272-Video Jan 19, 2 49 17 AM.mp4

ATTACHMENT #2

- Third Degree Sexual Exploitation of a Minor (NC GS 14-190.17A)

ATTACHMENT #3

- Disk containing files received from NCMEC via Google in reference to Cybertip #74146734 that is currently in the Mooresville Police Department Property and Evidence Control.

ATTACHMENT #4

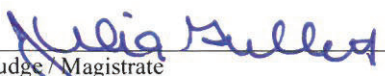
APPLICANT BACKGROUND

This applicant, Detective Lawing, is employed by the Mooresville Police Department in Mooresville, North Carolina. Applicant has been employed with the Mooresville Police Department since November 2nd of 2020. The applicant was previously employed as a Detective and Master Police Officer with the Concord Police Department from May of 2013 to October of 2020. Applicant started his career as a Patrol Officer with the Cornelius Police Department from August of 2011 to May of 2013.

Applicant has completed the Basic Law Enforcement Training (576 hours) curriculum at Mitchell Community College. Applicant has completed numerous courses of specialized law enforcement training, including courses relating to criminal investigation techniques. In February 2018, this applicant was awarded his Intermediate Law Enforcement Certificate by the North Carolina Criminal Justice Training and Standards Committee.

Applicant has completed numerous specialized law enforcement training classes, to include, Suicide Investigation (Rowan-Cabarrus County College, 2015), Medical Child Abuse: Munchausen Syndrome by Proxy (Rowan-Cabarrus County College, 2015), Basic SWAT Operator (Rowan-Cabarrus County College, 2016), Advanced SWAT operator (Rowan-Cabarrus County College, 2016), Field Training Officer (Rowan-Cabarrus County College, 2016), Basic Narcotics Investigation (Rowan-Cabarrus County College, 2016), Violent Criminal Apprehension Investigation (Stanly County College, 2015), Digital Evidence

SWORN AND SUBSCRIBED TO BEFORE ME:


Judge / Magistrate


Applicant(s)

12-14-20
Date

12-14-20
Date

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Continuation page attached to the SEARCH WARRANT application, dated Monday, December 14, 2020
 Expertise In The Courtroom (Central Piedmont Community College, 2017), Internet Investigations (Central Piedmont Community College, 2017) Introductions to Cyber Crimes (Central Piedmont Community College, 2017), Police Law Institute ((Rowan-Cabarrus County College, 2017), 2019 Homicide Investigators Conference (NCHIA 2019), Legal Issues of Crimes Scene Search (Central Piedmont Community College, 2019), Advanced Interview and Interrogation (Central Piedmont Community College, 2019), Interviewing the Mad, Bad and Sad (Rowan Community College, 2019), Analyzing 911 Calls to Solve Violent Crime (Guilford Tech Community College, 2019).

Applicant has participated in numerous felony investigations to include: homicide, burglary, breaking and entering, sexual assault, robberies, internet crimes against children. Applicant was also a member of the Concord Police Department SWAT team and regularly executed search warrants related to narcotics investigations. These investigations have led to the successful prosecution and conviction of numerous defendants in District and Superior Court of North Carolina. This applicant has assembled complex criminal case investigations for submission to the Federal and District Attorney's Office. This applicant has presented evidence during courtroom testimony in criminal matters that were heard in Superior and District Court.

Applicant has personally authored and obtained numerous search warrants in the course of these various investigations.

Applicant has worked with the following agencies in various criminal investigations: Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Drug Enforcement Administration, United States Marshall Service, Department of Homeland Security, as well as many local government agencies throughout North Carolina

BACKGROUND INVESTIGATION:

Google, Inc. ("Google"), provides a variety of on-line services, including e-mail and instant messaging access, to the general public. Google allows subscribers to obtain accounts at the domain name "Google.com.". Subscribers obtain an account by registering with Google. Google users must agree to specific Terms of Service ("TOS") regarding use of the Google e-mail account and associated Google Drive account. The current TOS for Google users, which were last updated March 31st 2020, provides in relevant part that users must comply with applicable laws and regulations and not participate in, facilitate, or further illegal activities" and must not "post content that contains explicit or graphic descriptions or accounts of sexual acts, and state that: "to prevent violations and enforce this TOS and remediate any violations, we can take any technical, legal, and other actions that we deem, in our sole discretion, necessary and appropriate without notice to you."

Your applicant has learned that Google has a process in place to detect whether a known file of child pornography is being sent, received or uploaded via an Google e-mail account/ Google Drive. Google maintains a database of hash values for files that Google has determined constitute child pornography, and uses that database to automatically compare files that are sent through an Google account. "A hash value is an alphanumeric sequence that is unique to a specific digital file. Any identical copy of the file will have exactly the same hash value as the original, but any alteration of the file, including even a change of one or two pixels, would result in a different hash value. Consequently, once a file has been 'hashed,' a suspected copy can be determined to be identical to the original file if it has the same hash value as the original, and not to be identical if it has a different hash value." *United States v. Keith*, No 11-10294 (D.Mass, Nov. 5, 2013), 2013 WL 5918524 at *1. When Google detects a file passing through its servers with the same hash value of a file from its database of known child pornography, Google submits a report to the CyberTipline for the National Center for Missing and Exploited Children ("NCMEC"), as required by 18 U.S.C. § 2258A(a)(1). In making the report, Google electronically uploads to NCMEC a copy of the e-mail and any file attachments, along with the IP address used to send the communication.

This investigation began on 06-27-2020 when Google submitted CyberTipline Report #74146734 to the NCMEC CyberTipline. This report was the result of a hash value match on at least one digital image/video attached to Google Drive Account associated to an identified Google electronic mail address. When making its report to the CyberTipline, Google did not visually inspect all of the contents of the files to confirm whether the all file contains child pornography; rather, Google relied on the hash value match and only viewed the file.

File Google-CT-RPT-d5935890081177a14ccf24ac61b5c35f-Copy of 756a3a3b-57cc-484e-9491-a41d2d59b8f2.mp4

- This video was opened by the applicant and viewed by the ESP (Google) and shows three 10-12 year old boys fully nude performing oral sex on each other.

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 Judge / Magistrate


 Applicant(s)

Date

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Continuation page attached to the SEARCH WARRANT application, dated Monday, December 14, 2020
The remaining files are listed below and have not been opened or viewed by ESP.

File: [Google-CT-RPT-0ebd0ab9917f54edd3d7e6844f0cb3b3-Copy of 2015-12-13 11.56.59.mp4](#)

File: [Google-CT-RPT-19b8b0012c437e547297e5a83a1dd8df-3f362010-ca94-442d-a604-c897b337bec6.mp4](#)

File: [Google-CT-RPT-5dc8f60b1e5bad3d0f9c01e73a3766da-Copy of 3f362010-ca94-442d-a604-c897b337bec6.mp4](#)

File: [Google-CT-RPT-99094d2846acf8b883fc2338763134be-33a1d3fa-8339-4bf8-b95c-8746beaa2faf.mp4](#)

File: [Google-CT-RPT-a0a09bc3e539a3c7c32ef698ebe4b76c-355010d3-c9e1-4f36-b543-6d93fcdf539c.mp4](#)

File: [Google-CT-RPT-efa41fdb7c5d8cc267d3eeed7db61272-Video Jan 19, 2 49 17 AM.mp4](#)

In making this affidavit, applicant is aware of the recent decision by the federal district court in *United States v. Keith*, No 11-10294 (D.Mass, Nov. 5, 2013), 2013 WL 5918524. In that case, a federal district court held that the NCMEC acted as a government agent when a NCMEC analyst opened and viewed an electronic mail attachment that an internet service provided had forwarded to the NCMEC as suspected child pornography. In *Keith*, the court found that the NCMEC's opening of the electronic mail attachment without a search warrant violated the Fourth Amendment. *Id.* at *12. Although *Keith* is not controlling in this district and there is reason to question its reasoning, in an abundance of caution, I will not describe in this affidavit the result of the NCMEC and [law enforcement] review of the images or videos with the exception of File [Google-CT-RPT-d5935890081177a14ccf24ac61b5c35f-Copy of 756a3a3b-57cc-484e-9491-a41d2d59b8f2.mp4](#) which was opened and viewed by the ESP. I ask the court to draw no inferences from the fact that [NCMEC and/or law enforcement] opened and viewed the Google Drive Upload and the attachment(s).

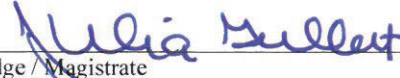
On November 24th, 2020, Applicant received a Cyber Tip (CT) from NCMEC. The CT was number 74146734. The report alleged the upload of child pornography from an Google Email Account: luvenit2222@gmail.com to the email accounts associated "Google Drive". This is reported to have occurred on 06-26-2020. An open records search (TLO) shows that the account belongs to Michael Dale Bonds who resides at 102 Daventry Pl in Mooresville North Carolina. Google has report to NCMEC in the Cyber Tip that the account is registered to "Mr Michael Bonds" and further registered the account with the phone number 704-309-7585 which a open records search (TLO) further reports the number belongs to Michael Bonds.


CONCLUSION

Based on the aforementioned information, your affiant respectfully submits that there is probable cause to believe that the email and attachments submitted as part of CyberTip #74146734 contain evidence of criminal offenses, namely, violations of 18 U.S.C. §§ 2252, 2252A and violations of N.C.G.S. 14-190.17A (Third Degree Sexual Exploitation of a Minor).

Applicant, therefore, respectfully requests that the attached warrant be issued authorizing the search and seizure of the contents and attachments of files obtained by GOOGLE via CyberTip #74146734.

SWORN AND SUBSCRIBED TO BEFORE ME:


Judge/Magistrate


Applicant(s)

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